

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

TIMOTHY HENDERSON, et al

PLAINTIFFS

V.

CIVIL ACTION NO.1:04CV-36-MPM-JAD

BLACK & VEATCH, et al

DEFENDANTS

ORDER GRANTING MOTION TO QUASH

This cause came on to be heard on the defendants to quash the notice of deposition of Ernest Trujillo and the deposition subpoena issued to Trujillo(Doc. 70). The court has considered the memorandum of the plaintiff in opposition to the motion. The plaintiffs noticed the deposition of Trujillo, after the defendant's filed a supplement to their motion for summary judgment which included Trujillo's affidavit which was unfavorable to the plaintiffs' position. There is apparently no dispute that the parties have known of Trujillo's existence and location for some considerable time. Apparently prior to the appearance of Trujillo's affidavit, plaintiffs were content not to depose him. The local rules of the court require that all depositions, whether denominated as discovery or evidentiary be taken within the discovery deadlines.

The court has been willing to extend the time for discovery, on application made during the discovery period, trial schedules permitting, unless the parties have been particularly dilatory. The standard is a generous one. Once the discovery period has closed, further discovery will not be allowed absent of "good cause." Rule 26.1(b)(2) Uniform Local Rules of the United States District Courts for the Northern and Southern District of Mississippi. 'Good cause' will include an explanation of why the discovery *could not* have been completed during the discovery period, as opposed to excuses for why it was not completed. Generally 'good cause' will need to include an

explanation of why the party seeking discovery could not have timely requested an extension of discovery time.

IT IS ORDERED that the notice of deposition of Ernest Trujillo and subpoena are quashed.

SO ORDERED this the 14th day of July, 2005.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE